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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BAUGH, APRIL L	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/500,698	BULKOWSKI, BRIAN	
	Examiner	Art Unit	
	April L Baugh	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35,39-48 and 50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35,39-48 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claims 1-35, 39-48, and 50 are now pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1-35, 39-48, and 50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8-23, 25-34, 39-40, 42-50 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 5,936,659 to Viswanathan et al..

Regarding claim 1 and 39, Viswanathan et al. teaches a method and apparatus for receiving data via multiple channel broadcast media, comprising: receiving a request for a desired data object (column 5, lines 63-67), said desired data object being associated with a

first-level name; obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data to objects constituting at least a portion of said desired data object (Fig.4 and column 3, line 61-column 4, line 4 and column 4,lines 6-9 and column 4, lines 37-40 and column 5, lines 25-28); and obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of said multiple channels as propagating data associated with low-level data objects (column 6, lines 13-19).

Referring to claim 22, 48, and 50, Viswanathan et al. teaches a method, apparatus, and computer program for receiving data via multiple channel broadcast media, comprising the steps of: receiving a request for a desired data object (column 5, lines 63-67), said desired data object being associated with a first-level name; obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data objects constituting at least a portion of said desired object (Fig.4 and column 3,line 61-column 4, line 4 and column 4,lines 6-9 and column 4, lines 37-40 and column 5, lines 25-28); and obtaining location information associated with said second-level names via a first channel, said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object (column 6, lines 13-19).

Regarding claim 31, Viswanathan et al. teaches a method for organizing data for transmission via broadcast media, comprising: associating a first-level name with said data; organizing said data into a plurality of data objects; and associating each of said plurality of data objects with a second-level name (Fig.4 and column 3,line 61-column 4, line 4 and column 4,lines 6-9 and column 4, lines 37-40 and column 5, lines 25-28 and 63-67), a location associated

with said second level name, and a broadcast channel assignment, wherein at least two channels of said multiple channel broadcast media are assigned for use in broadcasting said data objects (column 6, lines 13-19).

Referring to claim 2 and 40, Viswanathan et al. teaches the method of claim 1 and 39 wherein said desired data object is a web page comprising a plurality of low-level data objects adapted for display in a preferred presentation order defined by priority rankings included within said location information (column 3,line 61-column 4, line 4 and column 4,lines 6-9 and column 6, lines 13-19).

Regarding claim 3, Viswanathan et al. teaches the method of claim 1, wherein data associated with respective low-level data objects is received at least two channels of said multiple channel broadcast medium (column 3,line 61-column 4, line 4 and column 4,lines 6-9).

Regarding claim 4, 5 and 43, Viswanathan et al. teaches the method of claim 1 and 39, wherein data associated with respective low-level data objects is broadcast according to a protocol indicated in said location information (column 3,line 61-column 4, line 4 and column 4,lines 6-9 and column 6, lines 13-19).

Referring to claim 6, Viswanathan et al. teaches the method of claim 1, wherein said location information indicates for each low-level data object a location parameter, a size parameter and a bandwidth parameter (column 6, lines 13-19).

Regarding claim 8, Viswanathan et al. teaches the method of claim 1 wherein said broadcast medium is a portion of a computer network (column 3,line 61-column 4, line 4).

Referring to claim 9, Viswanathan et al. teaches the method of claim 1 wherein said first-level name is a uniform resource locator (URL) (column 5, lines 63-67).

Regarding claim 10 and 25 Viswanathan et al. teaches the method of claim 1 and 22 wherein said first-level name is a web page title (column 5, lines 63-67).

Referring to claim 11, Viswanathan et al. teaches the method of claim 1 wherein said first-level name is a text string (column 5, lines 63-67).

Regarding claim 12, Viswanathan et al. teaches the method of claim 11 wherein said text string is associated with an icon (column 5, lines 63-67).

Referring to claim 13, Viswanathan et al. teaches the method of claim 1 wherein said second-level name takes a minimal amount of storage space (column 4,lines 31-58 and fig. 4).

Regarding claim14, Viswanathan et al. teaches the method of claim 1 wherein said second-level name is an integer (fig. 4 and column 5, lines 25-28).

Regarding to claim 15, Viswanathan et al. teaches the method of claim 1 wherein said second-level name is an index into a table (fig. 4 and column 5, lines 25-28 and column 6, lines 13-19).

Referring to claim16 and 26, Viswanathan et al. teaches the method of claim 1 and 22 wherein said location information is accessed through a memory containing a data structure (column 5, lines 25-28 and column 6, lines 13-19).

Regarding claim 17, 27, and 44, Viswanathan et al. teaches the method of claim 1, 22, and 39 wherein said location information is sufficient to locate said data in a data stream (column 6, lines 13-19).

Referring to claim 18, Viswanathan et al. teaches the method of claim 17 wherein said location information comprises an MPEG table (column 5, lines 63-67 and column 6, lines 13-19).

Regarding claim 19, 28, and 45, Viswanathan et al. teaches the method of claim 1, 22, and 39, including the further step of combining said plurality of low-level data objects (column 3,line 61-column 4, line 4 and column 4,lines 6-9).

Referring to claim 20, 29, and 46, Viswanathan et al. teaches the method of claim 19, 28, and 45 wherein the step of combining results in a portion of said desired data object (column 3,line 61-column 4, line 4 and column 4,lines 6-9).

Regarding claim 21, 30, and 47, Viswanathan et al. teaches the method of claim 20, 22, and 39, including the further step of presenting said desired data object (column 3,line 61-column 4, line 4 and column 4,lines 6-9).

Referring to claim 23, Viswanathan et al. teaches the method of claim 22 wherein said desired data object is a web page (column 5, lines 63-67).

Referring to claim 32, Viswanathan et al. teaches the method of claim 31, including the farther step of broadcasting said each one of said plurality of data objects forming said data (column 3,line 61-column 4, line 4 and column 4,lines 6-9).

Regarding claim 33, Viswanathan et al. teaches the method of claim 32, wherein said each one of said plurality of data objects is broadcast as an MPEG section (column 5, lines 63-67).

Referring to claim 34, Viswanathan et al. teaches the method of claim 32, wherein said each one of said plurality of data object is formatted for transmission as an MPEG section (column 5, lines 63-67).

Regarding claim 42, Viswanathan et al. teaches the apparatus of claim 39, wherein data associated with respective low-level data objects is broadcast a number of times as indicated in said location information (column 3,line 61-column 4, line 4 and column 4,lines 6-9).

1. Claims 7, 24, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,936,659 to Viswanathan et al. in view of Moura et al.

Regarding claim 7, Viswanathan et al. teaches the method of claim 1 (Fig.4 and column 3, line 61-column 4, line 4 and column 4,lines 6-9).

Viswanathan et al. does not teach a cable. Moura et al. teaches wherein said broadcast media comprises at least one of a cable transmission medium, an optical transmission medium, a satellite transmission medium, an optical transmission medium, a satellite transmission medium and a radio frequency (RF) transmission medium (column 1, lines 18-19 and column 2, lines 2-4). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further modify the global hosting system of Viswanathan et al by having said cable because this is a means of transmitting high-levels of information over a network

Regarding claims 24 and 41, Viswanathan et al. teaches the method of claim 22 and 39 (Fig.4 and column 3, line 61-column 4, line 4 and column 4,lines 6-9).

Viswanathan et al. does not teach said broadcast medium includes a cable. Moura et al. teaches said broadcast medium includes a cable (column 1, lines 15-19). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further modify the global hosting system of Viswanathan et al. by having said broadcast medium include a cable because this is a means of transmitting information over a network.

2. Claims 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,936,659 to Viswanathan et al. in view of Boon.

Referring to claim 35, Viswanathan et al. teaches the method of claim 31 (Fig.4 and column 3, line 61-column 4, line 4 and column 4,lines 6-9).

Viswanathan et al. does not teach said data object is formatted for transmission as an UDP packet. Boon teaches said data object is formatted for transmission as an UDP packet (column 17, lines 65-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further modify the global hosting system of Viswanathan et al. by having said data object be formatted for transmission as an UDP packet because UDP is a part of the TCP/IP data transmission packet protocol used within the internet.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to broadcast distribution in general: Hinderks et al. and Imai et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 571-272-3877. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

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SUPERVISORY PATENT EXAMINER